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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

## Viet Nam

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1. With a consistent policy for the promotion and protection of human rights, Viet Nam attaches great importance to the UPR. Viet Nam has implemented in earnest the UPR Recommendations accepted at the first and second Cycles and undertook a comprehensive review for the present Cycle.

# I. Methodology

## A. Preparation of country report

2. The Report, prepared in accordance with Resolution A/Res/60/251(2006) establishing the HRC, Resolution 5/1 (2006) and Decision 17/119 (2011) of the HRC, reviews the human rights situation in Viet Nam.

3. The Report focuses on reviewing the implementation of the accepted UPR recommendations; and providing updates on the promotion and protection of human rights in Viet Nam. The Report identifies outstanding challenges and the priorities of Viet Nam in the future in order to ensure better enjoyment of human rights for everyone.

4. The preparation of the Report has been carried out by an inter-agency Task Force consisting of 18 ministries and organizations. The MOFA[1] is the coordinator of the Task Force[2].

## B. Consultative process on the report

5. In 2015, the Prime Minister approved the Masterplan for the Implementation of the accepted UPR Recommendations, of which the mid-term review was undertaken in 2016. This Report's reference material is derived from the mid-term report, reports of workshops related to the implementation of the recommendations, the 2017 VNR[3] Report and country reports on the implementation of international human rights conventions to which Viet Nam is party from 2014 to 2018.

6. This Report has been comprehensively prepared with inputs from local and central governmental agencies, agencies of the Party and the National Assembly, socio-political organizations, business associations, NGOs and the Vietnamese people. Successive draft reports have been posted publicly on the website of MOFA. Many organizations and individuals had contributed to the Report via email and at consultative workshops, including the workshop organized by MOFA in July 2018, by the city of Da-Nang in September 2018, and other workshops related to the UPR recommendations organized by other ministries in 2018. These inputs have been duly noted, compiled by the Task Force and represented in the present Report.

# II. New developments in the promotion and protection of human rights since the previous review

7. The respect for, and protection and promotion of human rights have been consistently mainstreamed in Viet Nam's socio-economic development strategies and policies, the Strategy for Judicial Reform and the implementation of Viet Nam's international obligations and commitments, including the accepted UPR recommendations. Since the previous review, Viet Nam has made great efforts to improve its law, institutions, and policies on human rights, providing a solid framework that has yielded encouraging achievements in practice.

## A. Legal reform in the spirit of the 2013 Constitution: building a rule-of-law state

8. The 2013 Constitution[4] is the continuation and development of regulations governing human rights and the rights of citizens. It fully satisfies the people's legitimate

and increasing demands for rights and freedoms, in accordance with international standards on human rights. The 2013 Constitution consists of 11 chapters (120 articles), of which Chapter II with 36 articles directly regulates and clearly defines human rights and the fundamental rights and obligations of citizens.

9. Compared with the 1992 Constitution, the 2013 Constitution expands the content and dedicates separate provisions for human rights such as: the right to equality and non-discrimination before the law (Article 16); the right not to be subject to torture, violence, coercion, degrading punishment or otherwise any form of treatment harming his or her body and health and offence against honor and dignity (Article 20); the right to privacy (Article 21); the right of access to information (Article 25); the right to participate in the management of the State and society (Article 28); the right to gender equality (Article 26); the right to vote in a State-held referendum (Article 29); the right to fair and public trials and to be presumed innocent until proven guilty in accordance with legal procedure and the sentence of the court takes effect (Article 31); the right to private property (Article 32); the right to social security (Article 34); and right to employment (Article 35). The 2013 Constitution stipulates a number of new rights, including the right to life (Article 19); the right to scientific and technological research, literary and artistic creation, and the right to enjoy the benefits brought about by such activities (Article 40); the right to enjoy and access cultural values, participate in cultural life, and use cultural facilities (Article 41); the right to determine his/her ethnicity, use his/her mother tongue and choose his/her language of communication (Article 42); the right to live in a clean environment (Article 43); the right to not be deported and surrendered to another state (Article 17); the right to a legal place of accommodation (Article 22); and the right to social security (Article 34).

10. The 2013 Constitution, while affirming the State's obligation to recognize, respect, protect and guarantee human rights and citizens' rights, also stipulates that "Human rights and citizens' rights shall only be restricted in conformity with the law in case of necessity for reasons of national defense, national security, social order and safety, public morals and public health" (Article 14); "Everyone is obliged to respect others' rights", "The exercise of human rights and citizens' rights may not infringe upon state and national interests and the rights and legitimate interests of others" (Article 15).

11. Between 2014 and 2018, Viet Nam has amended, revised and promulgated 96 new laws and ordinances related to human rights, citizens' rights, in conformity with the 2013 Constitution. Many important laws were adopted, including: Law on the Organization of the People's Procuracy (2014), Law on the Organization of the People's Court (2014), Housing Law (2014), Criminal Code (2015), Criminal Procedure Code (2015), Civil Code (2015), Civil Procedure Code (2015), Law on Administrative Procedures (2015), Law on the Organization of Criminal Investigation Agencies (2015), Law on Custody and Temporary Detention (2015), Law on Referendum (2015), Law on Beliefs and Religions (2016), Law on Children (2016), Press Law (2016), Law on Access to Information (2016), Law on the Administration and Use of Weapons, Explosives and Their Accessories (2017), Law on the State's Obligation to Compensation (2017), Law on Legal Assistance (2017), and Law on Cybersecurity (2018). Many laws have been promulgated for the first time to promptly institutionalize the regulations on human rights and citizens' rights codified in the 2013 Constitution[4]. Additionally, such laws as Investment Law (2014), Business Law (2014), Law on Planning (2017), and Law on Assistance for Small and Medium Enterprises (2017) contribute to a stronger legal framework to ensure the people and businesses' freedom of doing business. Presently, a number of other human rights-related law drafts are being worked on, including the amended Labor Code, Law on Medical Examination and Treatment, Law on the Immigration of Vietnamese citizens, Law on Disease Prevention and Health, Anti-Corruption Law, Amended Law on Amnesty, Law on the Enforcement of Criminal Sentences, Law on Association, etc. The drafting of these legal documents involve the extensive consultation with social organizations and the people; these drafts are posted publicly on the Government's website.

## B. New policies related to guaranteeing human rights

12. Since the last review, many important new policies have been issued, aiming to ensure that every Vietnamese may fully enjoy human rights. This particularly includes the effort to build an enabling government, implement the SDGs, and guarantee the rights to development, rights of vulnerable groups and labor rights.

13. In November 2016, the Government issued Resolution 100/NQ-CP on the 2016-2021 Action Plan of the Government, pronouncing the effort to build "an enabling government of decisive, effective and efficient action, wholeheartedly dedicated to serving the people". One of the priority tasks is to build a government that is compact, development-enabling, healthy, solid, transparent, that takes decisive action in service of the people and businesses, promotes democracy, anti-corruption, reducing extravagance and bureaucratic burdens. The Action Plan also identified a number of key tasks directly related to human rights, such as "to uphold the people's ownership", "to prioritize improving the people's well-being and living standards and sustainably reducing poverty", and "to advance the human element in all aspects of life; focusing on developing the human factor".

14. The "enabling Government" concept has been consistently reflected in many policies, strategies, and plans since 2016, including the 2016–2020 Administration Reform Plan with its core objectives to optimize of administrative and public services. By the end of 2017, 5,000 administrative procedures had been removed or simplified, thus better enabling the people and businesses to carry out business operation. Additionally, a system for receiving feedbacks and proposals from the people and businesses had been implemented through Government Portal; an annual Administrative Reform Index for administrative agencies and Public Satisfaction Index regarding the service of state administrative agencies, have been developed and published yearly.

15. The Government focuses on driving policies for sustainable development that has been mainstreamed in the 2011-2020 Socio-economic Development Strategy and the 2016-2020 Socio-economic Development Plan. With its strong pledge to effectively implement the 2030 Agenda and the SDGs, Viet Nam issued the National Action Plan for the 17 VSDGs[6] and 115 specific targets that are in line with national particulars and priorities. The National Council for Sustainable Development and Competitiveness has been established. Many ministries, government agencies, and localities have established their own steering committees and offices for sustainable development. In addition to the establishment of the Council of Businesses for Sustainable Development, there are also a wide range of similar initiatives by socio-political organizations, associations and NGOs.

16. Since the last review, the Government has issued many policies to reduce poverty, guarantee food security, improve nutrition, promote sustainable agriculture and provide healthcare for the people. In 2016, the Government promulgated two key programs: the 2016-2020 National Target Program for Sustainable Poverty Reduction (with a planned budget of VND[7] 48.397 trillion) and the National Target Program for New Rural Development (planned budget of VND 193.1556 trillion)[8]. In 2018, the Government issued the Decree 57/2018/ND-CP on Mechanisms to Encourage Enterprises Investing into Agriculture and Rural Areas (2018).

17. Viet Nam has redoubled effort to develop housing for low-income people through the adoption the 2014 Housing Law, Decree 99/2015/ND-CP detailing and providing guidelines for selected articles of the Housing Law, Decree 100/2015/ND-CP on the development and management of social housing; Decree 101/2015/ND-CP on the renovation and reconstruction of apartment buildings; Decision 48/2014/QD-TTg on the program to support the construction of flood-resistant housing for the poor; Decision 33/2015/QD-TTg on the program to provide housing support for poor households in rural areas.

18. In healthcare, the Government has issued the 2011-2020 National Strategy for providing care and improving public's health (2013), the 2011-2020 National Strategy on preventing and eliminating malaria in Viet Nam (2013), the National Strategy on preventing tuberculosis to 2020 (2014), the 2015-2025 National Strategy on preventing

cancer, cardiac diseases, diabetes, chronic obstructive pulmonary, bronchial asthma and other incommunicable diseases (2015), and the 2015-2020 Plan on preventing incommunicable diseases (2015).

19. Numerous policies to ensure the rights of vulnerable groups have been issued. The 2016 Law on Children that created an important legal framework in this area broadens the elements of children's rights, care and education, defines requirements for child protection, responsibilities to report child abuse, alternative care, protection of children in prosecution, administrative violation, rehabilitation, and has a specific Chapter on the participation of children in child-related matters. The 2015 Criminal Procedure Code reserves Chapter XVIII with 18 Articles on court procedures involving minors, in particular Articles 414, 415, 418 and 419[9]. The Family and Juvenile Courts were established under the People's Court in Ho Chi Minh City in 2016 and Dong-Thap in 2017[10]. Additionally, the Government issued Decree 56/2017/ND-CP (2017) implementing the Law on Children; Decree 80/2017/ND-CP (2017) on the safe, healthy and friendly educational environment and the prevention of school violence[11].

20. Viet Nam has made enormous efforts to improve the legal and policy framework on gender equality. Article 26 of the 2013 Constitution stipulates that "gender-based discrimination is strictly prohibited", which replaces the phrase "all acts of discrimination against women are prohibited" in the 1992 Constitution. This approach is also reflected in various legal documents, especially the 2015 Civil Code and the 2015 Civil Procedure Code. The 2015 Civil Code codifies the rights to gender re-determination (Article 36), the right to gender transformation (Article 37), the right of people whose gender is transformed or re-identified to change their names (Article 28). Relevant agencies are now in the process of consultation for and drafting of the Law on Gender Transformation. Additionally, the 2015 Civil Code also holds that all individuals are equally protected under the law pertaining to personal and property rights. The 2013 Land Law asserts the equal rights of women in the determination of jointly held properties, including the recording of both the husband and the wife under the License for Land Use Rights, House Ownership, and Ownership of other Land-linked Properties. The amended Labor Law is also under deliberation towards reducing the gap between male and female workers.

21. The Government has issued the 2016-2020 National Program on Gender Equality and National Action Program on Preventing and Combating Domestic Violence and many important projects, including the 2015-2020 Project for Reducing Domestic Violence in Rural Areas, the 2016-2020 Project for Preventing to gender-based violence; the 2016-2020 Project for Ensuring Gender Equality for Women Public Servants, the 2017-2025 Project for Supporting Women's Start-ups, the 2017-2027 Project for Women's Participation in Addressing Women-related Social Issues.

22. Viet Nam is gradually improving its legal, policy and institutional frameworks to ensure the rights of persons with disabilities. In 2015, Viet Nam ratified CRPD and the Prime Minister established the National Committee on Persons with Disabilities. Many projects have been launched: the 2014-2020 National Action Plan on Rehabilitation Development; the 2013-2020 Project on community-based support for children who are orphaned, abandoned, disabled, affected by HIV/AIDS, Agent Orange or by natural disasters. Social subsidy is provided for persons with severe and special disabilities[12].

23. The rights of elderly people are further promoted through the 2014-2020 National Campaign for the Elderly[13]. In 2015, the Prime Minister designated October as the Month for the Elderly for every year.

24. Regarding the protection of labor rights, Viet Nam has issued numerous important documents such as Decree 61/2015/ND-CP on Assistance policies for job creation and the National Fund for Employment; the 2016-2020 Target Program for Education on Vocation, Work and Workplace Safety; the 2016-2020 Planning for the Network of Employment Service Centers; and the 2016-2020 Program for the prevention and reduction of Child Labor for the 2016-2020 period. The 2015 Criminal Code has also updated the regulations for handling violations in the area of labor (Articles 162, 165, 216, 295 and 297). Viet Nam is finalizing the draft of the amended Labor Law, to be submitted to the National Assembly in 2019.

## C. Implementation of the second cycle recommendations

25. At the Second Cycle, Viet Nam accepted 182 out of 227 recommendations. In 2015, the Prime Minister approved the Masterplan for the Implementation of the Accepted Recommendations, assigning specific tasks to 18 agencies and a number of other coordinating units. Various agencies have actively developed their own action plans in relevant areas. A number of ministries have effectively mainstreamed the implementation of UPR recommendations in socio-economic development strategies and plans, such as the 2016-2020 National Target Program for Sustainable Poverty Reduction, the 2016-2020 National Target Program for New Rural Areas, and the Plan for the Implementation of the 2030 Agenda.

26. By October 2018, Viet Nam has implemented 175 recommendations (96.2% of accepted recommendations); of which, 159 have been fully implemented and 16 others partially implemented; alongside the remaining 7 recommendations with ongoing implementation or consideration for implementation at a suitable time. No accepted recommendation is left without consideration for implementation. Several recommendations concerning the making and amendment of laws have also been carefully considered, and then in consultation with a wide range of government agencies, NGOs and citizens. Draft laws have been submitted to the National Assembly for consideration. A number of amendments have been accepted by the National Assembly while others would require further examination (see Annex).

## D. Promotion of human rights education and awareness-raising vc cv ag

27. Viet Nam considers human rights education and awareness-raising one of the priorities towards promoting human rights. Since the previous review, human rights contents have continually been introduced into primary and secondary textbooks and the curricula of universities offering law courses, police academies and specialized training classes for officials, particularly law-enforcement personnel. In 2017, the Prime Minister promulgated the Plan for the implementation of the Project for Mainstreaming Human Rights Contents in the National Education System. This aims to raise the awareness of the students, teachers and educational administrators in human rights, with the target of having 100% educational establishments in the national education system include human rights education in their operation by 2025. Furthermore, the dissemination of human rights conventions has also been integrated into programs for law education, including the 2017-2021 Program for Law Dissemination and Education.

## E. Implementation of international commitments and international cooperation in human rights

28. Since the previous review, Vietnam has ratified two additional Conventions on human rights, namely CPRD and CAT (February 2015). Thus, Vietnam is now a member of 7 out of 9 core international human rights instruments and is continuing to consider the possibility of accession to the CPED and the ICRMW.

29. Since 2014, Vietnam has submitted the National Reports on the Implementation of ICESCR (2nd, 3rd and 4th Report in 2014), CEDAW (7th and 8th Report in 2015), ICCPR (3rd, 4th, 5th and 6th Report in 2017), CRC (5th and 6th Report in 2018), the Initial Reports on the Implementation of CRPD (2018) and CAT (2017). Viet Nam plans to submit the National Report on the Implementation of ICERD in the fourth quarter of 2018. The drafting of these national reports received participation and contributions from central and local government agencies, socio-political organizations, professional organizations, Vietnamese and international experts and the citizens. The drafts have also been posted publicly online.

30. Vietnam has actively participated in dialogue sessions with treaty bodies and taken their recommendations into serious consideration. Based on the recommendations of the CRC Committee and the CEDAW Committee, the Prime Minister has approved the Plans

on the Implementation of the Recommendations by the CRC Committee (2014) and by the CEDAW Committee (2017).

31. To safeguard the rights of workers, since joining the ILO in 1992, Viet Nam has acceded to 21 ILO conventions, including 5 ILO core conventions, namely Conventions No.29, 100, 111, 138 and 182. Since the previous review, Viet Nam has further ratified Convention No.187 on the Promotional Framework for Occupational Safety and Health (2014). The consideration process for accession to Convention No.98 and Convention No.105 is expected to be completed by 2019. Viet Nam shall also, until 2020, consider the possibility of joining Convention No.87. Viet Nam would finalize the relevant documents in 2018 in preparation for the accession to Convention No.88 on Organization of Services Employment and Convention No.159 on Occupational Rehabilitation and Employment for Persons with Disabilities.

32. Viet Nam attaches great importance to international cooperation in the protection and promotion of human rights. Viet Nam participates responsibly in the human rights mechanisms of the UN, including HRC (2014–2016), ECOSOC (2016–2018), and the UNESCO Executive Committee (2015–2019). Viet Nam promotes a comprehensive approach to human rights, supports dialogue, cooperation, and respect for fundamental principles of international law, and has various acknowledged contributions and initiatives at these bodies.

33. Viet Nam attaches great importance to cooperation and dialogue with the OHCHR and the Special Procedures, in line with their mandates and functions, and the Rules of Procedures of HRC, in the spirit of transparency, efficiency and balance. Viet Nam actively participates in interactive dialogues with these mechanisms at HRC. In particular, since the previous review, Viet Nam has received the SR on Cultural Rights (2013), the SR on Religious Freedom (2014), and the SR on the Right to Food (2017). During these visits, the SRs took note of the efforts and achievements of Viet Nam as well as the cooperation and frank deliberations of the government agencies, localities and NGOs and provided useful recommendations on the protection and promotion of human rights in Viet Nam.

34. At the regional level, Viet Nam and the ASEAN countries are actively mainstreaming human rights in all pillars of the "inclusive, people-oriented and people-centered" ASEAN Community. Viet Nam contributed to ASEAN's adoption of the Regional Action Plan on the Elimination of Violence Against Women and Children (2015), the ASSEAN Consensus on the Promotion and Protection of the Rights of Migrant Workers (2017), the Joint Declaration on Women, Peace and Security (2017), and finalization of the ASEAN Enabling Masterplan 2025: Mainstreaming of the Rights of Persons with Disabilities (2018)[14].

35. Viet Nam ratified the ASEAN Convention on the Prevention and Control of Human Trafficking, especially Women and Children in 2016, joined the Bohol Action Plan against Human Trafficking, and actively participates in the Bali Process and the COMMIT Process for the Prevention and Suppression of Irregular Cross Border Migration. Additionally, Viet Nam has signed bilateral agreements with countries such as China, Thailand, Cambodia and Laos on the prevention of cross-border human trafficking.

36. By May 2018, Viet Nam has established relations with over 1,000 foreign NGOs, of which 563 are registered for regular activities in Viet Nam. The activities of foreign NGOs have contributed positively to the socio-economic development efforts in Viet Nam.

# III. Achievements in promoting and protecting human rights in practice

## A. Civil and political rights

### Equality before the law

37. Equality before the law is enshrined in the Constitution and relevant legal documents. In particular, in civil matters, the 2015 Civil Code holds that "All individuals

are equal, no reason may be cited as a ground for their discrimination; their personal and property rights are protected by the law equally" and "All individuals have equal civil law capacity" (Articles 3 and 16). The 2015 Criminal Code amended in 2017 holds that all criminal offenders are equal before the law (Article 3). The 2015 Criminal Procedure Code holds that criminal procedures are to be carried out according to the principle that all individuals are equal before the law (Article 9). The 2015 Civil Procedure Code (Article 8) and 2015 Administrative Procedure Code (Article 17) hold that in civil or administrative court procedure, all individuals are equal before the law, and all organizations, entities, and individuals are equal in the exercise of their rights and obligations at Court.

38. The 2015 Criminal Code amended and added a number of basic principles of criminal procedure, including the presumption of innocence, double jeopardy, and insurance of adversarial process in trials. The Code is also amended in order to better guarantee the right to access to lawyer, for instance expanding defense counsels to also include legal aid assistants who can provide free service for social policy beneficiaries, widening number of cases requiring prosecution bodies to invite defense lawyers, ensuring that defense lawyers are given timely access to case process, providing supplemental provisions on the rights of persons held in custody, accused and defendants to provide testimonies, not to provide testimonies against himself/herself, or not to give forced confession.

39. Judges and People's Jurors are independent in the adjudication of lawsuits and settlement of disputes, in sole compliance with law. Every person is equal before the law, no one shall be considered guilty and punished until a court's judgment takes legal effect. Court rulings and decisions at all levels are published on the Court's digital information portal. Cassation decisions of the People's Supreme Court are also printed and published on this portal. Existing procedural codes and Resolution No.03/2015/NQ-HDTP of the Council of Judges of the People's Supreme Court govern the selection and application of precedents in court procedures. The application of precedents in Viet Nam is a new step that contributes to the uniform and flexible application of laws. At present, 16 precedents have been issued by the Supreme People's Court. Viet Nam's laws also guarantee independent prosecution; Article 109 of the 2013 Constitution stipulated that "when exercising the power to prosecution and controlling judicial activities, Procurators shall obey the law" and Article 83 of the 2014 Law on the Organization of the People's Procuracy stipulated that "the Prosecutors obey the law and is held accountable before the law for their behaviors and decisions while exercising the power to prosecution, debating in courts and controlling judicial activities".

40. From 2015 to 2017, Vietnamese lawyers had participated in 43,738 criminal cases, including 18,749 assigned cases and 24,989 cases requested by clients; 36,280 civil cases; 41,560 consultation cases in economic, business and trade matters; 2,687 administrative cases; 1,828 labor cases; and provided free-of-charge legal support for 110,592 cases. From 2014 to June 2018, to support the poor and ethnic minorities in regions of extremely difficult socio-economic conditions and other social groups as prescribed in the Law on Legal Assistance, National Legal Aid Centers throughout the country handled 470,759 cases, directly participating in 55,429 cases on trial. In 100% criminal cases where defendant lawyers are prescribed by law, lawyers or legal aid assistants were provided and participated.

**Rights to life, respect for human dignity and bodily inviolability**

41. The 2013 Constitution stipulates that "Everyone has the right to life. Human life is protected by the law. No one shall be illegally deprived of his or her life" (Article 19) and "Everyone shall enjoy the inviolability of the individual and the legal protection of his or her health, honor and dignity and is protected against torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health and offense against honor and dignity" (Article 20). The amended 2015 Civil Code also prescribes that individuals shall have the right to life, the right to safety of life, health and body (Article 33), and the right to protection of honor, dignity and prestige (Article 34).

42. Violation of the right to life is considered one of the most severe offenses and shall be strictly punished by the law. The 2015 Criminal Code reserves Chapter XIV[15] to the

prescription of penalties for the offenses violation of life, health, dignity and honor. Article 157 prescribes punishments for illegal arrest, capture or detention of individuals against the law, including for: (i) illegal arrest, capture or detention that result in the death or suicide of such individual; (ii) torture, cruel, inhuman or degrading treatment towards the detainee; (iii) causing health damage or mental disorder to the detainee (between 31%-60% or 61% and above). Article 373 governs the penalties for the use of torture; Article 374 governs the penalties for the use of coercion in obtaining testimonial.

43. Viet Nam does maintain capital punishment; however it is only applicable to the most serious crimes. According to the 2015 Criminal Code, the death penalty is no longer applicable to 08 additional offenses and shall not be applied to offenders under 18, pregnant women, women nursing children under 36 months old, and people over 75 at the time of offense or trial. Additionally, cases of non-execution and conversion into life imprisonment of prior death sentences, which include pregnant women, women nursing children under 36 months old, people over 75; and people sentenced to death for of embezzlement and bribery having voluntarily surrendered at least 3/4 of the ill-gotten amount and having actively worked with competent authorities in further investigation, or having made major atonement.

**Right to freedom of movement**

44. The right to freedom of movement is stipulated in the Constitution and asserted in the Civil Law, Law on Nationality, Investment Law and other relevant legal documents. Viet Nam has signed or joined a wide range of international conventions related to immigration, as well as bilateral treaties and agreements with other countries and territories on entry visa exemption for their respective citizens.

45. It is a consistent policy of Viet Nam to guarantee lawful, safe and regular migration, prevent illegal migration, and protect the legitimate rights and interests of citizens during the migration process in its entirety. At the moment, there are about 500,000 Viet Nam laborers working overseas. In 2017, there are 134,571 laborers moving abroad for work, a 6.69% increase compared to 2016. Vietnamese overseas students are present in 50 countries. A small number of Vietnamese citizens have illegally crossed the border, or have been residing illegally in foreign countries for economic purposes. Viet Nam has been cooperating with other countries and international organizations, and stands ready to repatriate these persons and provide support for their re-integration.

46. To facilitate immigration, Viet Nam has signed Conventions and agreements on visa exemption with 84 countries, unilaterally granted visa exemption for citizens from 13 countries and officers of the ASEAN Secretariat; granted visa exemption for the flight crew of 18 countries and territories in reciprocal principle; and piloted the granting of online entry visa into Viet Nam for foreigners, etc.

**Freedom of religion and beliefs**

47. Viet Nam is a multi-religious, multi-belief country, with 95% of its citizens professing religious belief. Freedom of religion and belief is enshrined in the 2013 Constitution. Most notably, the adoption of the Law on Beliefs and Religions in 2016 and the two Decrees on the implementation of this Law has created a solid legal framework to better ensure the freedom of religion and beliefs of the citizens. The 2016 Law on Beliefs and Religions for the first time stipulates that religious organizations are non-commercial legal entities, reduces the necessary consecutive period of religious activities that a religious organization needs to maintain for recognition from 23 years to 5 years, adjusts a wide range of procedures[16] from registration/licensing and proposal/approval to advance notification to authorities, and adjusts the authority to approve major religious events held by religious bodies so as to simplify administrative procedures. Furthermore, the 2015 Criminal Code also prescribes penalties for the offense of "Violating the Freedom of Religion and Beliefs of Others" (Article 164).

48. Religious groups in Viet Nam coexist in harmony within the community of Vietnamese ethnicities. The Government at present recognizes the legal status of 42 organizations affiliated with 15 religions. In 2016, the Representative Board of the Church

of Jesus Christ of Latter-day Saints obtained formal recognition and Hieu-Nghia-Ta-Lon Buddhism was licensed for religious operation. In August 2018, the Viet Nam Full Gospel Church has been licensed for operation, while two other Protestant organizations are applying for registration. Additionally, thousands of Protestant congregations are ensured religious practice at lawful locations. Viet Nam has 60 religious educational institutions of Buddhism, Catholicism, Protestantism, and Hoa-Hao Buddhism. 5 new religious educational institutions were established during 2015–2017[17].

49. As of 2017, the total land area of 14,850 hectares is used by 7,102 religious organizations and institutions. Ho Chi Minh City granted 7,500 $m^2$ of land to the Evangelical Church of Viet Nam (South) for the construction of the Biblical and Theological Institute. Thua-Thien-Hue Province granted 20 hectares to the Viet Nam Buddhist Academy. Religious organizations are active in social work, establishing over 450 healthcare facilities, 270 kindergartens, 1,000 child care facilities, and providing support for 11,800 social security beneficiaries.

50. The State enables religious organizations to produce and publish religious texts and other religious materials. Since the previous review, over 3,000 religious publications have been published with 10 million copies in print and millions more in CDs and DVDs formats in multiple languages; 12 religious newspapers and magazines are in circulation; the majority of religious organizations have their own websites. International exchanges and cooperation undertaken by religious individuals and organizations have flourished. Viet Nam hosted many significant religious celebrations such as the International Day of Vesak (2014) and the 500th anniversary of the Protestant Reformation (2017).

51. Freedom of belief and religion for ethnic minorities is duly protected. With the State's assistance, the Viet Nam Buddhist Sangha started the construction of the Khmer Theravada Buddhism Academy in Can-Tho City in 2017. In the Central Highlands and Binh-Phuoc Province, 33 Protestant organizations and denominations have been practicing their faith at 304 chapter churches and over 1,300 places of worship. In the Northwest, as of June 2018, there have been 693 Protestant groups and 8 grassroots congregations established. Additionally, there are many registered religious activities by members of ethnic minorities affiliated with the Viet Nam Baptist Convention, Lutheran Church of Viet Nam, Viet Nam Inter-Evangelistic Movement and Viet Nam Evangelical Church. The State also supports Cham ethnic minorities to renovate their religious sites.

**Right to freedom of expression and assembly and freedom of the press**

52. The Constitution of 2013 stipulates that "Citizens are entitled to the rights to freedom of expression, freedom of the press, freedom of association, assembly and demonstration"[18]. The 2016 Amended Press Law codifies the citizen's freedom of the press and freedom of expression; and emphasizes the right to journalistic creativity, provision of and access to information as well as the rights to submit critiques, proposals, complaints and allegations to the press. It also added provisions on press-associated activities, according to which entities and individuals with appropriate business license are permitted to participate in all stages of the journalistic process. The 2016 Amended Press Law and the 2012 Publication Law both affirm the principle of non-censorship prior to publications or broadcasts. The 2016 Law on Access to Information codifies the responsibility of state agencies to provide information to the public through their Digital Portal, the press and the media, other channels, or otherwise provide information on demand. Furthermore, the 2015 Criminal Code also outlines penalties for the offenses of "violating the freedom of speech, freedom of the press, rights to information access and right to demonstration of citizens".

53. The press has developed uninterruptedly and served as a platform for social organizations and the public to engage in discourse as well as a protector of the rights of citizens and the interest of the society. It has also played a supportive role in law enforcement and policy implementation. As of June 2018, Viet Nam has 857 press agencies (45 more than the number reported in Second Cycle) with 1,119 publications (compared to 1,084 publications in 2013); 1,150 MIC[19]-licensed information-hub websites. Annual press circulation is 650 million copies. Currently, Viet Nam has 195 electronic newspapers and magazines; 67 radio and television stations across both central and local levels broadcasting 182 channels and 01 news agency. There are 18,000 licensed journalists and 5,000

reporters; 60 publishers with an average annual increase in the number of publication of 5-10%. The Radio Voice of Viet Nam covers 97.5% of Vietnamese territory. Viet Nam Television signals reach 90% of households and broadcast via satellites to many international locations. There are 91 pay-to-view cable, Internet and satellite channels, including 58 foreign channels (compared to 40 in 2017 and fewer than 30 in 2013). 20 foreign press agencies have resident correspondents in Viet Nam.

54. The rapid growth of the Internet has enabled better access to information for the people and helped drive cultural and socio-economic development. As of December 2017, 28.35% of households in Viet Nam have Internet access; the number of Internet users increased from 30.8 million users in 2013 to approximately 50 million (54% of the population, compared to 30.8 million in 2013). Viet Nam has about 58 million active Facebook user accounts.

55. Freedom of association is stipulated in the 2013 Constitution. As of 2017, there are more than 68,125 associations in Viet Nam, including organizations and associations for youth, women, workers, farmers, the elderly, and persons with disabilities, charities, science and technology, businesses and NGOs[20]. Viet Nam is currently drafting the Law on Association with many drafts put forward for consultations before submitting to the National Assembly.

**Rights of detainees and prisoners**

56. The Law on the Enforcement of Custody and Temporary Detention holds that persons under temporary detention and custody are entitled to have their lives, body and property protected and their honor and dignity respected; entitled to food, accommodation, clothing, personal items, healthcare, cultural activities, to receive letters, gifts, books, newspapers and other documents; to meet their relatives, defense lawyers, consular visitors, and their legal representative to undertake transactions of civil natures; to file complaints or denunciations, entitled to compensation if unlawfully detained and other citizens' rights (Article 8). Detention and custody cells are designed to ensure sufficient light to ensure the detainees' health, meet the standards for environmental hygiene and fire safety, and are suitable given the climatic particulars of the locality and the needs for detention administration (Article 14)[21].

57. This Law also strictly forbids acts of torture and coercion; cruel, inhumane and degrading treatment or punishment; or any form of treatment that violates the legitimate rights and interests of persons held under temporary detention or custody[22]; unlawful detainment, release of detained persons, and other violations in the administration of detainees; forbids acts that hinder the detainees from exercising their right to meet their relatives, right to defense, legal assistance and consular visits, rights to file complaints or allegations, or other human and civil rights as per regulations; prohibits acts that organize, provoke, manipulate, persuade, influence, abet, conceal or coerce others to violate the law, commit vengeance, or otherwise infringe upon the life, health, honor, dignity, property of others under temporary detention (Article 8). Pregnant women or nursing infants under 36 months of age, LGBT persons, persons infected with communicable diseases, persons showing signs of mental illnesses, loss of awareness or behavioral control but are yet undiagnosed, awaiting diagnosis or awaiting transfer to a treatment facility, or people sentenced to capital punishment, may be detained in separate rooms.

58. The competent authorities at detention centers have been seriously observing the above-mentioned regulations, and pay great attention to education, counseling and vocational training for prisoners. Since December 2012, prisons have organized 1,999 literacy classes for 25,969 prisoners. Prisoners are organized work suitable for their gender, age, health; receive vocational training and guidance; and are entitled to breaks on Sundays and holidays in accordance with regulations. Female offenders nursing infants under 36 months of age are allocated time to care for their children; the prisons help provide these children childcare services at nursery schools outside the detention areas (778 children). Minor prisoners are detained under special settings and are provided with regular education programs, life-skill training, psychological counseling and vocational training (129 regular education programs for 1,535 prisoners). From 12/2012 to 12/2016, prisons held 1,153,451 medical examinations and treatments for 351,917 prisoners and provided 37,798 hospital

diagnosis treatment sessions for 33,822 prisoners. From 2014 to 9/2018, authorities have issued job certificates for 20,449 prisoners and provided vocational training to 211,396 prisoners.

## B. Economic, social and cultural rights

### Economic development, poverty reduction and social welfare

59. Viet Nam's efforts in promoting sustainable development have yielded positive results in economic development and social equality. Viet Nam maintained GDP growth rates of 6.68%, 6.21%, and 6.81% in 2015, 2016 and 2017 respectively. In 2017, 153,307 enterprises were newly registered or resumed operation; newly registered businesses registered 1,161,321 employees. In the same year, the National Target Program for Sustainable Poverty Reduction assisted the expansion of poverty reduction models across the country, thereby raising the income of poor households by 15 to 20%. Income poverty has decreased rapidly during 1998-2016. The poverty rate decreased from 7% in 2015 to 5.2% in 2016; as did multidimensional poverty rate from 9.88% in 2015 to 9.2% in 2016 and 7.69% in 2017[23].

60. Social welfare policies have been implemented across the country and achieved promising results. The percentage of the population participating in health insurance increased from 77% in 2015 to 83.8% in 2017 (78.2 million people). In 2016, 77% of the poor and near-poor had access to health insurance. The number of beneficiaries of monthly social grants and health insurance card issuance has increased steadily (2,506,705 in 2013; 2,540,223 in 2014; 2,643,725 in 2015 and 2,723,036 in 2016), in which there were 42,434 children of special hardship; 1,617,367 elderly people; 1,006,923 people with disabilities and 172,841 other individuals, including poor people living with HIV/AIDS and poor single parents.

61. Rural development programs have brought about positive outcomes, including policies to support hi-tech and clean agriculture development. The income and living standard of the rural population have been improved; the average of per capita income in rural areas increased from VND 18.6 million in 2012 to VND 32 million in 2017. Productivity in agriculture, forestry and aquaculture-fishery has been increasing steadily over time. From 2005 to 2016, per-capita productivity grew by 4.5 times, from VND 7.5 million in 2005 to VND 32.9 million in 2016. By 31 December 2017, 99.4% of all communes across the country have car-accessible roads to their centers, including at high or rugged terrains. 100% of all communes and 97.8% of all hamlets have national electricity grid coverage; 99.7% of all communes have primary schools and kindergartens; 99.5% of all communes have commune clinics; 60.8% of all communes have markets; and 58.6% of all communes have communal cultural facilities.

### Employment promotion

62. In 2017, approximately 1,641,000 workers were provided jobs (an increase of 1.5% in comparison with 2016), in which about 1,505,000 were employed domestically while unemployment was kept low (2.1 to 2.3%). Credit providing activity from the National Employment Fund continued to prove its effective role in supporting job creation, particularly disadvantaged workers. In 2017, the Fund helped generated employment for about 110,000 workers. In the first six months of 2018, the Fund provided assistance for more than 84,000 workers, including 61,000 women, 1,107 persons with disabilities and 4,502 people of ethnic minorities. The number of participants in unemployment insurance has continued to grow, from 9,219,753 in 2014 to 11,954,740 in 2017.

### Supply of clean water

63. The percentage of households having access to clean water increased steadily during the period of 2002-2016, 93.4% nationwide and 99% in urban areas. Between 2010 and 2016, the percentage of clean water access grew by 2.9%, from 90.5% to 93.4%. Viet Nam has changed its approach from single-sector management to integrated cross-sector water resources management by proposing the establishment of six river basin committees and

effectively implementing cooperative activities with the National Mekong Committees of the Members of the Mekong River Commission. In terms of wetland, 8 areas have been recognized as Ramsar sites, 45 areas are planned to become inland water conservation zones; 47 areas are planned to be wetland reserves; and 09 important areas have been designated as Biosphere Reserves by UNESCO; 03 World Natural Heritage Sites and 06 ASEAN Heritage Parks.

**Health care, education and housing for the poor**

64. Viet Nam has achieved many positive results in ensuring the people's health. The rate of low height-for-age children under 5 declined from 14.1% in 2015 to 13.9% in 2016. By 2015, Viet Nam had achieved the MDGs on maternal mortality rate, which was down by 3/4 compared to 1990. Infant mortality rate had also dropped to 14.7% for children under 1 and 22.1% for children under 5. The ratio of malnourished underweight children under 5 had decreased rapidly and steadily to 13.8% in 2016. New incidence of tuberculosis fell from 375/100,000 in 2000 to 187/100,000 in 2015.

65. Ensuring the right to education continues to be one of the top priorities in the development strategy. Despite budget constraints, Viet Nam maintains 20% of the State expenditure for education. Since 2014, the Government has issued Decree No. 20/2014/ND-CP on universal education and literacy and many other important documents[24].

66. Thanks to these efforts, all 63 cities and provinces have achieved universal preschool education for 5-year-old children and universal primary education. Currently, the percentage of level-one literacy for the 15–35 and 15–60 age groups are 97.92% and 97.35% respectively. In the 2017-2018 academic year, there are 23,025,299 students across the country, including 5.3 million preschool children, 8 million primary students, 5.4 million secondary school students, 2.5 million high school students and 1.8 million college and university students.

67. There are 235 universities and 1,974 vocational education institutions, including 388 colleges, 551 vocational intermediate schools and 1,035 continuing education centers. In 2017 alone, 2.2 million were enrolled, including 540,000 college and vocational school students, 1,660,000 basic and under-3-month trainees; vocational training assistance was provided for 20,000 people with disabilities and 600,000 rural.

68. Housing support policies for the poor are being strongly driven. By March 2018, over 570,000 poor households in rural areas have received housing support; over 14,000 poor households in central region of Viet Nam have been given assistance in building storm and flood-resistant houses; 982 projects for 190,841 households within the program for building residential clusters and structures in flood-affected areas of the Mekong Delta have been completed; 100 housing projects for workers (41,000 flats) have been finished and 72 others (88,000 flats) are underway; 89/95 housing projects for about 220,000 students have been completed and put into use, while the remaining are underway; 84 projects (33,700 flats) for low-income people in urban areas have been finished, while the construction of 134 other projects (81,000 flats) are ongoing. According to the National Housing Development Strategy, by 2020, Viet Nam shall make the effort to build at least 12.5 million $m^2$ of social housing for policy beneficiaries who face housing difficulties.

## C. Protection of vulnerable groups and people in underprivileged areas

**Rights of person with disabilities**

69. Viet Nam has 7 million persons with disabilities (7.8% of its population); of which 48% are women and 28.3% are children. At present, 63 provinces and cities has been subsidizing 1,006,923 people with heavy and/or special disabilities. The MOH[25] has implemented community-based rehabilitation programs in 53 provinces and municipalities, provided early disability diagnosis for 700,000 children, and issued health insurance cards for 800,000 persons with disabilities. Viet Nam has one occupational rehabilitation hospital at central level and 62 occupational rehabilitation hospitals or centers operated at the provincial, ministry or agency levels. 100% of central-level specialized and general

hospitals and 98% of municipal and provincial hospitals have occupational rehabilitation departments.

70. There are 20 centers supporting inclusive education and 107 specialized education centers for children with disabilities all over the country. The number of children with disabilities attending secondary and tertiary education grows every year. At present, there are 256 training facilities for persons with disabilities, and 400 enterprises owned by persons with disabilities. About 140,000 persons with disabilities have received vocational training and employment assistance through support programs and the Employment Fund.

71. In December 2014, Viet Nam promulgated the National Technical Standard on building construction accessible for person with disabilities[26]. Newly built or renovated apartment buildings and public works must meet the standard of QCVN10:2014/BXD to be licensed and must be officially inspected before use[27]. Viet Nam is maintaining its policy to exempt or reduce between 20% and 100% of public transportation fare for person with disabilities. 20,016,222 commuters with disabilities received such exemptions in 2016.

72. Agent Orange/Dioxin victims have continued to receive special attention from the State and the public. 232,000 affected persons and 80,000 of their biological children have been provided annual welfare support since 2000 and a wide range of concessions in education, training, housing, rehabilitation and the provision of aid and assistance tools[28].

**Care for the elderly**

73. Around 1,629,484 elderly persons receive social welfare policies on a monthly basis; 912,357 are provided regular medical checkups on at least an annual basis; more than 1,270,000 have medical and health records. There are 97 hospitals at the central and provincial levels with geriatrics faculties, an increase of 47 from 2016. 92.8% of elderly persons have health insurance. Over 540,000 elderly persons have been given discounts on public transports.

74. The Viet Nam Association of the Elderly has been organizing annual programs aimed at caring for and promoting the role of the elderly, such as the "Clear eyes for the elderly", "Role of the elderly in protecting the environment and building new rural areas". Funds for caring and promoting the role of the older persons have been established in 100% of cities and provinces and more than 70% of all communes, townships and wards across the country.

**Rights of women**

75. The 2015 Law on National Assembly and People's Council Elections denotes that the number of women nominated for National Assembly and People's Council candidacy must account for a minimum of 35% of the official candidate list. The percentage of women deputies of the National Assembly for the 2016-2021 term is 26.72%, increasing by 2.62% from the previous term. For the same term, the average percentage of women representatives in provincial People's Councils is 26.54% (increasing by 1.37%); 27.85% at the district level (increasing by 3.23%), 26.59% at the commune level (increasing by 4.88%). As of December 2017, 12/30 ministries and ministerial agencies and 16/62 provinces and cities have women leaders. The ratio of enrolled female students in line with their age group is the same as that of male students. 42% of people with master's degrees and 21% of people with doctorates are women. Women's workforce participation is 72.5%, while 27.8% of enterprises have women leaders.

76. Efforts aimed at preventing domestic violence and providing healthcare for women have resulted in significant progress. In 2016, the rate of maternal mortality decreased to around 58/100,000 live births (0.3/100,000 lower than 2015 and 1/100,000 lower than 2014). In 2016, 18,104 victims of domestic violence were given legal counseling and healthcare at support centers (an increase of 12.9% compared to 2015) and 7,058 offenders had received counseling (4.5% increase from 2015). In 2017, the Government organized the Action month for gender equality and prevention of gender-based violence with over 800 activities held across the country[29]. Since 2015 Viet Nam has collaborated with UNWOMEN in "HeForShe" campaign. 100% of radio stations and television channels have specified features on gender equality. Services related to gender equality have been

implemented at social services centers and within the communities, notably the Marriage Support Center, Community's Reliable Address, Peace House and Temporary Shelter and other projects that support women's start-ups.

**Rights of the child**

77. Child care and protection policies have achieved promising results. The rate of children under 3 provided childcare at kindergartens has increased from 11% for the 2000–2001 academic year to 27.7% for the 2016–2017. The rate of children between 3 and 5 attending kindergarten has risen from 49% to 80.5% between 2000 and 2013 and to 92% in the 2016-2017 academic year. For the 5-year-old group preparing for their first year, rate of school attendance has grown from 72% in the 2000–2001 academic year to 98% in the 2016–2017. The 2017 target of having at least 87% of children with special backgrounds receive assistance has been reached.

78. The Government has implemented the 2016-2020 Program on the Promotion of Children's Participation in children-related issues. Following Ho Chi Minh City's introduction of the first Child Council (June 2017), Hanoi, Binh-Dinh, Quang-Ninh and Yen-Bai have also adopted this model. Additionally, the Child Forum is biannually organized at the national level and annually at the provincial, district and communal levels.

79. Since 2017, the Action month for children (May) has been organized in all provinces and cities[30]. In 2017, the Prime Minister had established a National Committee on Children and a national hotline for children (111). During 2016–2018, the 111 Hotline provided counsel for 975 cases of child sexual abuse and 1045 cases of violence against children.

**Rights of ethnic minorities**

80. Ethnic minorities are enabled to participate in the political system, social and state administration. In the 14th National Assembly, there are 86 deputies from ethnic minorities (17.3%)[31]; the ratio of officials and public servants from ethnic minorities at provinces and municipalities is 14.53%, of which 49.2% are women. 17.2% of leaders, managers in the public sector are from ethnic minorities.

81. To narrow the socio-economic gap among the ethnicities in Viet Nam, the Government has adopted the 2017-2020 Special Policy on Socio-economic Development Assistance for Ethnic Minority and Mountainous Regions, Program 135 under the 2016–2020 National Target Program for Sustainable Poverty Reduction, the Government's Resolution on Strengthening Human Resource Development for Ethnic Minorities from 2016 to 2020 and many important projects[32]. Viet Nam is drafting the Law on Development Assistance in Ethnic Minorities Areas.

82. Socio-economic development policies in ethnic minorities areas have yielded in various positive results. The ratio of poor households was reduced from 35% in 2011 to 16.8% at the end of 2015. In 2016, the ratio of multidimensional poverty among households in ethnic minorities and mountainous areas decreased by 2% compared to 2015, 98% of households getting out of poverty did not relapse into poverty. In the period of 2014-2016, 38% of the ethnic minorities population have graduated to higher economic condition categories (the respective national ratio is 28%); 42% of the economically vulnerable groups have graduated to the safe group.

83. Special attention is given to guaranteeing the right to education and information access for people from ethnic minorities. At present, there are 315 boarding high schools for ethnic minorities with 94,000 students, 1,013 day-boarder high schools with 159,212 students and 4 pre-universities with 4,000 students. In the 2017–2018 academic year, ethnic minority languages were taught in 22 provinces and cities, at 715 schools; eight such languages[33] became subjects in the curriculum and 6 textbook sets were published in ethnic minority languages[34]. Additionally, the Pilot Project on equipping radio receivers for ethnic minorities and communities in underprivileged areas has been implemented since October 2017. By 2018, 92% of ethnic minorities have access to radio, 85% can watch TV with many programs broadcasting through languages of ethnic minorities. VOV4 radio channel feature programs related to ethnic minority issues and VTV5 TV channel broadcast in ethnic minority languages; 13 magazines and newspapers have special issues on ethnic

minorities. The States attaches special importance to preserving the cultures of the ethnic minorities; many of their heritages are recognized as national cultural heritages[35]. With the support of the Government, 891,129 ethnic minority households now live in their own ethnicity's traditional houses, 195,215 households continue to play traditional musical instruments and 500,000 households are maintaining, developing and propagating their traditional songs and dances.

**Support for victims of human trafficking**

84. Viet Nam has issued numerous policies and legal documents to prevent and combat human trafficking, for instance, the 2016-2020 Program for Preventing and Combating Human Trafficking aiming at reducing the risk and occurrences of human trafficking and effectively repatriating, protecting and supporting victims of trafficking[36]. Since 2016, the Government has approved July 30th as the "National Day against Human Trafficking".

85. From 2014 to the end of 2017, the People's Procuracy at all levels have prosecuted 829 cases and 1,539 defendants in human trafficking cases. From 2014 to July 2018, the People's Courts at all levels have undertaken 796 cases with 1,475 defendants accused of human trafficking-related crimes. From 2016 to the first quarter of 2018, Vietnamese authorities have verified, rescued, and received 4,000 cases (in which 1214 victims were identified as victims of trafficking); 100% of identified victims of human trafficking who so required have received initial support, psychological counseling, medical examinations and legal aid. Many victims received support, vocational training and stable employment for community rehabilitation.

86. Education and public awareness raising on human trafficking prevention and combat have been implemented in various formats. In the period of 2011–2015, the localities organized nearly 250,000 community-based communication activities to over 15 million participants; distributed over 150,000 documents; and produced nearly 150 thematic reports and documentaries on this work.

**Support for drug addicts and persons with HIV/AIDS**

87. By 31 December 2017, Viet Nam has 222,582 persons with drug addiction having monitoring records. Persons with drug addition are provided with opportunities for treatment, detoxification, regular education, vocational training and support for employment. According to the Program on Reforms in Drug Rehabilitation in Viet Nam to 2020, Viet Nam has converted former Centers for Treatment, Education and Social Affairs into Centers for Drug Rehabilitation, thus encouraging voluntary detoxification, gradually reducing compulsory rehabilitation and developing a community-based treatment and rehabilitation system. Viet Nam currently has 105 multi-purpose drug rehabilitation facilities managed by the State, with the capacity of 50,000 participants, and 294 methadone treatment centers with over 52,800 patients.

88. Viet Nam has 209,450 persons with HIV and 1,345 medical centers that provide HIV testing and consultancy services. Persons with HIV/AIDS are not discriminated. Great attention is given to raising public awareness and education on drug and HIV/AIDS prevention in various formats.

**Response to the effects of climate change and natural disasters**

89. As one of the countries most severely affected by climate change and natural disasters, Viet Nam places great emphasis on assisting the people in climate change adaptation. In particular, the 2016-2020 Target Program for Climate Change Adaptation and Green Growth focuses on raising climate change awareness and adaptation capacity, reducing greenhouse gas emission, developing a low-carbon economy and proactively participate in international cooperation to protect the global climate system. Furthermore, the 2016-2020 Target Program for Sustainable Forestry Development aims to meet the requirements of mitigating natural disasters, protecting the environment and adapting to climate change and rising sea level, maintaining 25 million jobs on a stable basis, increasing income, reducing poverty and improving people's livelihood. Viet Nam is also

regularly updating the Climate Change and Rising Sea Level Scenario for the localities and the public's active response.

90. During the period of 2013–2015, the Government provided VND 1.034 trillion to vulnerable areas of Mekong Delta, accounting for 30% of the total investment (figures are expected to be tripled over the 2016–2020 period). Likewise, assistance for vulnerable coastal provinces accounted for over 60% of the total national investment. To support people affected by natural disasters, in 2017, the Government provided VND 3.6967 trillion (relief for storms, floods, droughts and salinization, 14,674 tons of relief rice, 3,265 tons of rice seeds, 835 tons of corn seeds, 82 tons of vegetable seeds and thousands of doses of medicine, vaccine and sterilizing chemicals. A supplementary amount of VND 244,107 billion and an advance amount of VND 664 billion were reallocated from the State budget to the localities for the purchase of seeds and to assist production.

# IV. Priorities and commitments in the furthering of human rights protection and promotion in Viet Nam

## A. Difficulties and challenges

91. The achievements in the protection and promotion of human rights in Viet Nam, including the implementation of the recommendations accepted in the Second Cycle, demonstrate the strong commitment and constant efforts of Viet Nam in its cause of national development with people-oriented, people-driven and people-centered policies. At the same time, Viet Nam is still facing many difficulties and challenges stemming from its particularities as well as the need to address global challenges.

92. The legal framework on human rights still needs to be further improved, including the continued reviewing, amending, supplementing and the issuance of new legal documents to match the Constitution, as well as the enhancement of the institutional framework for human rights protection. This process requires the establishment of relevant policy tools and facilities, which creates enormous pressure in terms of finance, time and human resources. This also represents the challenge in considering adherence to more international human rights treaties and in strengthening human rights institutions, as recommended to Viet Nam in the Second Cycle.

93. Viet Nam has to address a wide range of internal and external challenges in order to allocate sufficient resources for development, particularly to implement policies to support and ensure the rights of vulnerable groups. Social security coverage is still modest, especially among the poor and other vulnerable groups. The risk of worsening inequalities in access to services still persists among different geographical areas, communities and population groups. Globalization and the Fourth Industrial Revolution on one hand provide opportunities for trade and economic development and integration, productivity enhancement and resources accumulation, on the other, may also widen inequality. Climate change and extreme weather events, along with other global issues that Viet Nam and other countries have to address together, may undermine achievements in human rights.

94. Human rights education in the national education system in particular, and education and information for citizens to raise their awareness of human rights in general require further efforts and time to yield far-reaching outcomes.

95. There remain many challenges in striking a balance between protecting the traditional values, customs and culture of the communities and combating discrimination and universalizing the enjoyment of human rights. For instance, there remain difficulties in combating child marriages in ethnic minority communities or combating domestic violence in rural areas. These are "double challenges" as the communities facing these issues are usually also underprivileged in accessing public services. Laws and policies awareness among these communities, and their ability to adhere to them remain limited still.

## B. The priorities and commitments of Viet Nam in the future

96. Viet Nam is fully committed to exerting continual efforts for better protection and promotion of human rights, through building on new institutional, legal and policy progresses, overcoming difficulties, realizing the "Enabling Government for the People" and promoting sustainable development. Viet Nam wishes to engage in genuine dialogue and effective cooperation with Member States in this Review and would actively consider recommendations put forward, especially those relevant to Viet Nam's priorities and workable given Viet Nam's existing circumstances, particulars and resources.

97. Viet Nam's highest priority in this area is to enhance the rule-of-law and legal reform aiming at consolidating the institutional, legal and policy foundation for the protection and promotion of human rights. Viet Nam will also enhance administrative reform, prevent and combat corruption and undue bureaucratic burden, promote democracy, reinforce the rule-of-law, and strengthen institutions for the protection of human rights, including further, thorough deliberation of the possible establishment of a National Human Rights Institution. In this process, Viet Nam will continue to ensure and encourage the constructive participation of the people, in accordance with legal provisions.

98. Viet Nam is committed to further strengthening sustainable development through the implementation of the SDGs and VSDGs. Viet Nam shall focus on policies towards multi-dimensional poverty reduction and bridging the developmental gaps among geographic areas and population groups, with special attention given to vulnerable groups. In this endeavor, Viet Nam shall spare no efforts to reduce inequalities in access to services relating to human rights and social security and to ensure gender equality.

99. The important measures along this line are: to ensure sustainable livelihoods for the people, to improve the quality and the coverage of services and to increase the participation of the non-governmental sector in the provision of these services. Viet Nam will also focus on policies that help improve access to services for vulnerable groups and study the possibility of developing insurance schemes for people working in agriculture, the sector with a high concentration of labor in Viet Nam.

100. Viet Nam prioritizes the rights to education and shall promote human rights education to raise the awareness of the people and the capacity of law enforcement agencies to better ensure human rights and fundamental freedoms for the people, in accordance with Vietnamese laws and international human rights standards.

101. Viet Nam is strongly committed to the promotion of genuine dialogue and effective cooperation with all Member States and UN human rights mechanisms in the spirit of equality, respect for international laws and non-interference, with the aim of bringing about substantive benefit and enhancing the enjoyment of human rights for the people.

102. Viet Nam shall continue to seriously observe its obligations under international human rights conventions to which it is a Party, and will consider the possibility of and prepare for accession to other international human rights instruments. Dialogue and cooperation with Special Rapporteurs, including further consideration of extending invitation to them, will continue to be a focus in the upcoming future. Presenting candidatures to UN bodies that play important roles in the maintenance of peace and security or that directly relate to the enjoyment of human rights of all people in the world, is an important area of Viet Nam's priorities in this line.

*Notes*

[1] Ministry of Foreign Affairs.

[2] The Working Group comprises of: the Ministry of Foreign Affairs (coordinator), Office of the Government, Ministry of Public Security, Ministry of Labor, Invalids and Social Affairs, Ministry of Planning and Investment, Ministry of Justice, Ministry of Information and the Media, Ministry of Health, Ministry of Internal Affairs, Ministry of Education and Training, Ministry of Agriculture and Rural Development, Ministry of Construction, the Ethnic Committee, the Governmental Religious Committee, the Supreme People's Court, the Supreme People's Procuracy, and the Viet Nam Union of

Friendship Organizations.

[3] Voluntary National Review of the implementation of SDGs.

[4] The 2013 Constitution was adopted by the National Assembly on November 28, 2013 and came into force on January 1, 2014.

[5] For instance, the Law on Access to Information and the Law on Referendum were promulgated for the first time.

[6] Sustainable Development Goals of Viet Nam.

[7] Vietnamese Dong.

[8] In addition, a number of other pertinent documents related to agriculture have also been issued: the Master Plan for Hi-tech Agricultural Zones and Regions until 2020 with a vision for 2030 (2015), the 2017-2020 Plan for Agricultural Restructuring (2017).

[9] Article 414 provides for procedures for persons under 18 years of age, particularly procedures that are age-friendly-and-psychologically-appropriate; ensuring the right to personal privacy. Article 415 requires that the prosecutor for cases involving persons under 18 years of age to be provided training, or have experience in investigation, prosecution, trying persons under 18 years of age; and equipped with the necessary knowledge about psychology, education science. Article 418 provided in more details monitoring responsibilities for the accused who are persons under 18 years of age. Article 419 limited and provides for more stringent requirements related to the application of measures to arrest, detain, remand defendants who are persons under 18 years of age.

[10] On September 21, 2018, the People's Supreme Court issued Circular 02/2018/TT/TANDTC regulates procedures of criminal cases with participants under the age of 18 at the Family and Juvenile Courts.

[11] The Government also approved the 2016-2020 Children Protection Program; the Project for the Development of Child Protection Services; and the Project on Assisting and Developing Independent Kindergartens in Industrial and Export Manufacturing Zones to 2020.

[12] In accordance with Decree 136/2013/ND-CP on social support for the beneficiaries of social protection.

[13] Along with the 201[illegible]-2025 Project on Healthcare for the Elderly, the 2016-2020 Project on Multiplying the model of Intergenerational clubs for Mutual Assistance for the 2016–2020 period.

[14] ASEAN countries are implementing the 2016-2020 Work Plan of AICHR and the Work Plan of the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children.

[15] From Article 123 to Article 156.

[16] Procedures related to the promotion, nomination, rotation or dismissal of religious officials, or of the activities of religious training institutions, among others.

[17] The Catholic Institute of Viet Nam, The Great Seminary of the Immaculate Mother of Bui Chu; Cao Dai Institution, Intermediate School of Hoa-Hao Buddhist Studies and Christian Theological College.

[18] Article 25 of the 2013 Constitution.

[19] Ministry of Information and Communication.

[20] The 05 highly influential Social – Political Organizations include: the Viet Nam General Confederation of Labor, Viet Nam Farmers' Union, Ho Chi Minh Communist Youth Union, Viet Nam Women's Union, Viet Nam War Veterans' Association.

[21] The Criminal Procedure Code 2015 also provide provisions on the rights of detained persons in urgent cases, persons under temporary detention and custody (Article 58 and 59).

[22] The Criminal Code 2015, revised in 2017, has Article 371 on the issuance of illegal decision, Article 373 on the use of torture; Article 374 on the use of coercion in obtaining testimonial.

[23] Decision 59/2015/QD-TTg dated November 19, 2015 promulgates multidimensional poverty levels: (i) Poor households in rural areas are households with per capita income of VND 700,000 or less, or VND 700,000–1,000,000 and a shortage from 3/10 indicators measuring the access to basic social services; (ii) Poor households in urban areas are households with per capita income of VND 900,000 or less, or VND 900,000–1,313,000 and a shortage from 3/10 indicators measuring the access to basic social services.

[24] Decree 06/2018/ND-CP on Policies on lunch support for kindergarten children and policies for preschool teachers, Project on Enhancing Vietnamese Language for preschool and elementary school students in ethnic minority areas for the period of 2016-2020, with a vision to 2025.

Ministry of Health.

[26] Standard QCVN10:2014/BXD.

[27] In 2015, Viet Nam issued Decree 46/2015/ND-CP on construction quality management and maintenance and Decree 59/2015/ND-CP on construction project management, which require constructing agencies to comply with the national construction standard.

[28] The MOH is implementing the Project for Healthcare and Rehabilitation for Victims of Agent Orange between 2018 and 2021.

[29] Under the theme of "Joining hands to eradicate violence against women and girls".

[30] The 2017 theme was "Implementing the Law on Children and preventing violence and abuse against

children" and that of 2018 was "For a safe and healthy life for children".

[31] Ethnic minorities account for 13.8 percent of the total population.

[32] Important projects include: Decision for the Implementation of the SDGs concerning ethnic minorities (2015), Project on Socio-economic Development Assistance for ethnic micro-minorities for the period of 2016-2025, the Project on Assisting Gender Equality Activities in Ethnic Minority Areas for the period of 2018-2025, the Project on Reducing Early Marriage and intermarriage in Ethnic Minorities Area for the period of 2015-2025, the 2016 Project on Ethnic Minorities Issues Training for officials and public servants, and the Project on Assisting Ethnic Minorities in the Application of Information Technology.

[33] In the Khmer, Cham, Jrai, Bahnar, Ede, Mong, M'Nong, Thai languages.

[34] In the Khmer, Cham, Jrai, Bahnar, Ede, Mong, M'Nong languages.

[35] "Long Tong festival" of the ethnic minority of Tay, "Cap Sac festival" of the ethnic minority of Dao, Bull Race in Bay-Nui, An-Giang Province , Art of Gong of the ethnic minority of Muong in Hoa-Binh Province, etc.

[36] The 2015 Criminal Code has many provisions on trafficking related crimes, including Article 150 on trafficking crime, Article 151 on crime of trafficking persons aged under 16, Article 152 on crime of fraudulence of persons under 1 year of age, Article 153 on crime of appropriating persons aged under 16.